

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

Richard Eicher, individually and §  
on behalf of all others similarly §  
situated, §  
§ CA No.: 7:16-CV-72-RAJ-DC  
Plaintiff, §  
v. §  
§ Collective Action  
Baker Hughes Incorporated. §  
§  
Defendant. §

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**NOTICE OF COLLECTIVE ACTION AND OPPORTUNITY TO JOIN LAWSUIT**

To: Welders (regardless of actual job title) who performed welding services for Baker Hughes Incorporated (“**Baker Hughes**”) at any time between May 25, 2013 and the present at the Odessa, Texas yard and who were classified by Baker Hughes as Independent Contractors (“**Welders**”).

Re: Right to join a Fair Labor Standards Act (“**FLSA**”) lawsuit seeking to overtime pay.

Date: \_\_\_\_\_, 2016

You have been identified as an individual who may have performed welding services for Baker Hughes at some time between May 25, 2013 and the present. The purpose of this notice is to inform you that you may be eligible to join a collective action lawsuit against Baker Hughes and to explain how you may do so.

This case was filed on March 22, 2016 by Richard Eicher (“**Eicher**”). Eicher is a former welder who performed services for Baker Hughes and is seeking to recover for unpaid overtime under the FLSA. Generally, the FLSA overtime provision requires that, for all hours over forty hours per week that an employee works, the employer must compensate the employee at the rate of one and one-half times his or her regular hourly rate. In his Complaint, Eicher alleges, among other things, that:

- Baker Hughes illegally classified its Welders as independent contractors and did not pay them overtime in accordance with the FLSA when they worked more than forty hours per week; and

- Eicher and other current and former Welders who were paid as independent contractors that worked for Baker Hughes in its yard at Odessa, Texas at any time since May 25, 2013, are entitled to overtime payments under the FLSA for all the hours they worked in excess of forty in a workweek at one and one-half times their regular hourly rate.

You have the right to participate in this collective action lawsuit and this Notice explains how you may do so.

Baker Hughes denies that it misclassified any Welders, and alleges that the Welders were properly classified as independent contractors, not employees. Baker Hughes also denies that the Welders are entitled to overtime payments under the FLSA.

### **What is this lawsuit about?**

In the lawsuit, Eicher is seeking to recover overtime pay for hours he alleges that he worked over 40 hours in a work week while performing welding services for Baker Hughes. The lawsuit claims that even though Welders were classified as independent contractors they should have been classified as employees of Baker Hughes and eligible for overtime for all hours over 40 worked in any work week. Eicher seeks back wages for the overtime he worked each week. In addition to unpaid overtime, Eicher is seeking liquidated damages equal to his unpaid overtime, attorneys' fees, and costs.

Baker Hughes contends that the Welders were properly classified as independent contractors, and therefore were not eligible for overtime wages.

The Court has not decided whether Baker Hughes improperly classified the Welders as independent contractors and improperly failed to pay any overtime wages owed. The Welders in this lawsuit must prove their claim at trial unless the case is settled.

### **What happens if I join this lawsuit?**

If you join this lawsuit, you consent to having Eicher represent you and the other Welders as lead plaintiff, and to having Mr. Miltenberger and his law firm act as your legal representative in this matter. You may have to answer questions about your claim, respond to written discovery requests, provide documents and/or provide testimony in a deposition.

If you join this lawsuit and Eicher and the Welders win, you may get an amount up to two times the unpaid overtime wages that should have been paid. Mr. Miltenberger and his law firm are representing Eicher and the Welders on a contingency fee basis, which means if there is no recovery, they receive no attorneys' fees. If there is a recovery, Mr. Miltenberger and his law firm will be paid a percentage of the monetary judgment or settlement for you and other class members.

If you join this lawsuit and the Welders lose, you will get nothing and are barred from bringing a future claim for unpaid overtime wages.

**How do I join the lawsuit?**

If you want to join the lawsuit, fill out the enclosed *Consent to Join Lawsuit* form and mail, email or fax it back to Mr. Miltenberger's law firm. It must be mailed or received by \_\_\_\_\_, 2016 [45 days]. A *Consent to Join Lawsuit* form is enclosed with a self-addressed stamped envelope.

**What are my choices?**

If you wish to join the lawsuit, mail in your *Consent to Join Lawsuit* form by \_\_\_\_\_, 2016. If you choose to join in the case, you will be bound by the result in this case, whether it is favorable or unfavorable.

If you do not wish to join the lawsuit, you are free to do nothing. You will not be bound by the outcome, whether favorable or unfavorable. You will not be entitled to recover if Eicher and the Welders win. You can, however, bring your own lawsuit.

You may contact any attorney of your choosing to discuss this case and have the right to separate representation by an attorney you choose.

**Can Baker Hughes retaliate against me for joining this lawsuit?**

No. Federal law prohibits anyone from discriminating or retaliating against you for taking part in this case and Baker Hughes has agreed to abide by the law in this regard.

**Can I get more details?**

To learn more, you can call Chris Miltenberger, Eicher and the Welders' attorney, at 1-817-416-5060. The call is confidential. Or write or email to:

Chris R. Miltenberger, Esq.  
1340 N. White Chapel Blvd., Suite 100  
Southlake, Texas 76092  
817-416-5060 (phone); 817-416-5062 (fax)

[chris@crmlawpractice.com](mailto:chris@crmlawpractice.com);  
[www.crmlawpractice.com](http://www.crmlawpractice.com)  
Or visit the case website at:  
[www.BHOvertimeLawsuit.com](http://www.BHOvertimeLawsuit.com)